IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Tr.Appeal(C).No. 16 OF 2007()

AGAINST THE JUDGEMENT IN TPC.235/2007 Dated 01/11/2007
OS.126/2007 OF SUB COURT, THIRUVALLA

APPELLANTS/PETITIONERS

1. P.T.NAJMA HARIS, AGED 35 YEARS,
W/O MUHAMMED HARIS, NAJMA HOUSE,
38/1237-A, EDAKKAD P.O., PUTHIYANGADI,
PUTHIYANGADI AMSOM, EDAKKAD DESOM,
KOZHIKODE DISTRICT.

2. MUHAMMED HARIS, AGED 39 YEARS,
S/O HAMEED, NAJMA HOUSE,
38/1237-A, EDAKKAD P.O., PUTHIYANGADI,
PUTHIYANGADI AMSOM, EDAKKAD DESOM,
KOZHIKODE DISTRICT.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS: RESPONDENTS

1. PRAMODKUMAR,
NATIONAL FINANCE PVT. LTD., 17/626,
SNDP BUILDING, THIRUVALLA-689101,
PATHANAMTHITTA DISTRICT.

2. SHAJU JOSEPH,
NATIONAL FINANCE PVT. LTD., 17/626,
SNDP BUILDING, THIRUVALLA-689101,
PATHANAMTHITTA DISTRICT.

3. SELEX MAMMEN,
KULATHRATTU HOUSE, KALLOOPPARA P.O.,
CHACKOMBHAGOMMURI, KALLOOPPARA VILLAGE,
MALLAPPALLY TALUK.

THIS TRANSFER APPEAL(CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, ALONG WITH T.A.(C) NOS. 17 & 18/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & V. K. MOHANAN, JJ.

TR. APPEAL (C) Nos. 16, 17 & 18/2007

DATED THIS, THE 4TH DAY OF DECEMBER, 2007.

J U D G M E N T

Raman, J.

These appeals are directed against the judgment rendered by the learned Single Judge in Tr.P.(C) 235/2007, 236/2007 and 233/2007 respectively, declining to grant the relief sought for in those transfer petitions.

2. The prayer made in Tr.P.(C) Nos. 233, 235 & 236 of 2007 is for a transfer of the three suits namely, O.S. No. 132, 126 and 134/2007, filed by the plaintiff for realisation of money from the first appellant as the sole defendant, to the Sub Court, Kozhikode, where admittedly no suit between the parties are pending. According to the appellants herein, they have filed a suit before the Munsiff's Court, Kozhikode for return of certain documents against the respondent who is the plaintiff in the three suits referred to above. The appellants have not sought for transfer of the suit filed before the Munsiff's Court to the Sub Court, Kozhikode. In effect, they only want transfer of all the suits from Thiruvalla to Kozhikode. When these suits are

thus filed in competent court of jurisdiction, transfer cannot automatically be granted unless there are good grounds shown. As already noticed, all the three suits are for money. The contention as raised could very well be raised in defence in the money suit pending before the court at Thiruvalla, as rightly held by the learned Single Judge. Even though the learned counsel for the appellant sought to place reliance on an unreported decision rendered by a learned Judge, we have gone through the said decision and found that no point as such is decided in that case. There were two suits pending in two different courts between the same parties and one suit was sought to be transferred to the other court and both sides did not have any objection. But here, the case is entirely different. In the factual situation present here, the finding of the learned Single Judge cannot be faulted.

No merit. Dismissed.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-